

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JIMMY JOE,

Petitioner,

v.

MERRICK GARLAND, *et al.*,

Respondents.

Case No. C21-998-MJP-MLP

ORDER

Having reviewed the Report and Recommendation of the Honorable Michelle L. Peterson, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.

(2) The Government's motion to dismiss (dkt. #7) is GRANTED in part and DENIED in part.

(3) Petitioner's habeas petition (dkt. # 1) is GRANTED in part and DENIED in part.

(4) Petitioner's request for release is DENIED.

1 (5) Petitioner's request for a bond hearing is GRANTED. Within 30 days of the date
2 of this order, the Government shall provide Petitioner with a bond hearing pursuant to *Diouf v.*
3 *Napolitano*, 634 F.3d 1081 (9th Cir. 2011).

4 (6) The Clerk is directed to send copies of this Order to the parties and to Judge
5 Peterson.

6 Dated this 16th day of November, 2021.

7 

8 Marsha J. Pechman
9 United States Senior District Judge